

**Amendment and Response under 37 C.F.R. 1.116**

Applicant: Jack L. Meador

Serial No.: 10/003,658

Filed: October 18, 2001

Docket No.: 10003643-1 (H302.151.101)

Title: RADIO COMMUNICATION DEVICE HAVING VOICE MESSAGING

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**REMARKS**

The following remarks are made in response to the Final Office Action mailed May 9, 2005. Claims 1, 3-18, 20-27 and 29-31 were rejected. Claims 1, 3-18, 20-27 and 29-31 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

Claims 1, 3-18, 20-27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over White U.S. Patent No. 5,133,082 in view of Heidari U.S. Patent No. 5,790,957.

**White** discloses a two-way radio communication system 10 which is a monitoring system having a plurality of remote site radios or repeaters 12 in communication with a central controller 11. Each two-way radio includes a receiver section 23, a transmitter section 24, and a transmitter/receiver antenna switch 22. In antenna 21 is connected to either the receiver section 23 or the transmitter section 24 via the transmitter/receiver antenna switch 22.

**Heidari** discloses a cellular phone 10 having a memory 76 for storing speech. The cellular phone 10 provides features, such as prompt, voice pad, transcription, and voicemail. (See Abstract). A voice signal received by the cellular phone 10 is transmitted from another telephone via a base station 20. (Column 5, lines 49-50). Cell phone 10 includes a duplexer 54 for duplex communications with other telephones. (Column 5, lines 51-54).

**Applicant submits that White either alone or in combination with Heidari fails to teach or suggest the two-way radio of independent claim 1. White fails to disclose a two-way radio signal receiver including a receiver control system having a memory configured to convert radio signals to demodulated audio signals and store the demodulated audio signals in a memory. See also Office Action, page 2, Examiner's remarks. White merely discloses the use of two-way radios in a monitoring system, where the two-way radios communicate with a central controller 11.**

**Further, Heidari also fails to teach or suggest a two-way radio signal receiver including a receiver control system having a memory configured to convert radio signals to demodulated audio signals and store the demodulated audio signals in**

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**memory.** In contrast, Heidari discloses a cellular telephone with voicemail, capable of storing digital or analogue messages. Therefore, one of ordinary skill in the art could not combine White with Heidari and arrive at the invention of independent claim 1.

Further, it would not be obvious to one skilled in the art to combine the teachings of White in view of Heidari and arrive at the present invention. Again, White merely discloses the use of two-way radios in a monitoring system, where the two-way radios communicate with a central controller. Heidari discloses a cellular phone including a duplexer 54 which enables the cellular phone to exchange voice signals with other telephones for duplex communications. Both the receiver 50 and the transmitter 48 of the cellular phone are active simultaneously. As such, one skilled in the art would not apply the teachings of a two-way radio having a switch that operates for switching between the transmitter and the receiver, in view of a cellular phone having duplex communications with voicemail, and arrive at the present invention. In view of the above, Applicant respectfully submits that the rejection of independent claim 1 under 35 U.S.C. § 103(a) should be withdrawn.

Dependent claims 3-9 depend directly or indirectly upon independent claim 1. Accordingly, dependent claims 3-9 are also allowable over the art of record.

**Applicant submits that White either alone or in combination with Heidari also fails to disclose, teach or suggest the two-way radio of independent claim 10.** For the same reasons as discussed above with reference to claim 1, White in combination with Heidari fails to disclose, teach or suggest a two-way radio including a two-way radio transmitter system, a two-way radio receiver system including an audio output, a receiver for receiving modulated radio signals via the antenna, a standby system including a memory wherein the standby system is configured for receiving audio signals from the receiver and storing the audio signals in the memory, and selectively outputting the stored audio signals to the audio output in a bypass system configured for bypassing the standby system or directly outputting audio signals from the receiver to the audio output. In view of the above, Applicant respectfully submits that the rejection of independent claim 10 under 35 U.S.C. § 103(a) should be withdrawn.

Dependent claims 11 and 12 depend directly upon independent claim 10. Accordingly, dependent claims 11 and 12 are also allowable over the art of record.

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**Applicant submits that White either alone or in combination with Heidari also fails to teach or suggest the radio of independent claim 13.** For the same reasons as discussed above with reference to claim 1, White in combination with Heidari fails to teach or suggest a receiver for receiving radio signals via the antenna directly from another radio, a standby system including a memory storage device whereby the standby is configured for receiving radio signals from the receiver, converting the radio signals to audio signals and storing the audio signals in the memory storage device, and selectively outputting the stored audio signals to the audio output and a bypass system configured for bypassing the standby system for directly outputting audio signals from the receiver to the audio output. In contrast, White receives radio signals from a monitoring system. The cellular phone 10 of Heidari receives signals from a base station 20 in order to communicate with another telephone. The cell phone 10 of Heidari cannot receive signals directly from another telephone. In view of the above, Applicant respectfully submits that the rejection of independent claim 13 under 35 U.S.C. § 103(a) should be withdrawn.

Dependent claims 14-17 depend directly or indirectly upon independent claim 13. Accordingly, dependent claims 14-17 are also allowable over the art of record.

**Applicant submits that White either alone or in combination with Heidari also fails to disclose, teach, or suggest the two-way radio of independent claim 18.** For the same reasons as discussed above with reference to claim 1, White in combination with Heidari fails to disclose, teach, or suggest a two-way radio including a memory storage device, a two-way radio transmitter system, a two-way radio receiver system for storing the demodulated audio signals in the memory storage device via the controller, and a switch for switching the antenna between the transmitter system and the receiver system. In view of the above, Applicant respectfully submits that the rejection of independent claim 18 under 35 U.S.C. 102(b) should be withdrawn.

Dependent claims 20-23 depend directly or indirectly upon independent claim 18. Accordingly, dependent claims 20-23 are also allowable over the art of record.

**Applicant submits that White either alone or in combination with Heidari also fails to disclose, teach, or suggest the method of independent claim 24.** For the same reasons as discussed above with reference to claim 1, White in combination with Heidari fails to disclose, teach, or suggest a method including transmitting modulated radio signals via a

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**two-way radio transmitter system, receiving demodulated audio signals via a two-way radio receiver system including a receiver control system and a memory storage device, including receiving the audio signals via the receiver control system and storing the audio signals in the memory storage device, and switching between the transmitter system and the receiver system.** In view of the above, Applicant respectfully submits that the rejection of independent claim 24 under 35 U.S.C. 103(a) should be withdrawn.

Dependent claims 25-27 depend directly upon independent claim 24. Accordingly, dependent claims 25-27 are also allowable over the art of record.

Applicant submits that White either alone or in combination with Heidari also fails to teach or suggest the radio system of independent claim 29. For the same reasons as discussed above with reference to claim 1, White in combination with Heidari fails to teach or suggest a second two-way radio configured for direct simplex communications with the first two-way radio, wherein the first two-way radio includes a receiver system including a receiver for receiving modulated radio signals from the second two-way radio and a standby system including a memory, the standby system configured for receiving audio signals from the receiver and selectively storing the audio signals in the memory. Further, neither White alone or in combination with Heidari teaches or suggests a second two-way radio including a receiver system including a receiver for receiving modulated radio signals from the first two-way radio and a standby system including a memory, the standby system configured for receiving audio signals from the receiver and selectively storing the audio signals in the memory. In view of the above, Applicant respectfully submits that the rejection of independent claim 29 under 35 U.S.C. § 103(a) should be withdrawn.

Dependent claims 30-31 depend directly or indirectly upon independent claim 29. Accordingly, dependent claims 30-31 are also allowable over the art of record.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1, 3-18, 20-27 and 29-31 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 3-18, 20-27 and 29-31 is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Jeff D. Limon at Telephone No. (541) 715-5979, Facsimile No. (541) 715-8581 or Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 11 day of July, 2005.

By Steven E. Dicke  
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